

# MONO COUNTY PLANNING COMMISSION

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## DRAFT MINUTES THURSDAY, DECEMBER 14, 2006 - 10 A.M. (Adopted February 1, 2007)

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**Commissioners present:** Ron Black, Rick Kattelman, Sally Miller, Steve Shipley. **Absent:** Scott Bush.

**Staff present:** Scott Burns, director; Keith Hartstrom & Larry Johnston, principal planners; Gerry Le Francois & Greg Newbry, senior planners; Evan Nikirk & Walt Lehmann, public works; Mark Magit, assistant county counsel; C.D. Ritter, commission secretary.

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1. **CALL TO ORDER:** Chair Rick Kattelman called the meeting to order at 10:15 a.m.
2. **PUBLIC COMMENT:** No items.
3. **MEETING MINUTES:** Continue minutes of Special Meeting Oct. 26, 2006, due to absence of Commissioner Bush.
4. **PUBLIC HEARINGS:**

**A. FIRST EXTENSION OF VESTED TENTATIVE TRACT MAP 37-57/Lakeridge Ranch Phase**

**II.** The proposed project would subdivide APN 60-220-08, totaling 60.93 acres, into 82 residential lots ranging from 15, 029 to 26, 348 square feet. The project will be serviced by Mountain Meadows Mutual Water Co., with sewage disposal by Hilton Creek Community Services District. Located in the community of Crowley Lake east of South Landing Road, at the end of Pearson Road, the project is being processed pursuant to the Lakeridge Ranch Specific Plan/ EIR. The General Plan designation is SP (Specific Plan). *Staff: Keith Hartstrom*

Keith Hartstrom presented an overview of the project, and discussed issues mentioned in a new comment letter. The project has limited landscaping and watering to control water consumption. The specific plan was modified to allow tree planting by future owners, including tree clustering. The Planning Commission and Mono Supervisors held public hearings at Crowley Lake on the project.

**OPEN PUBLIC HEARING.** Developer Tomajko has observed that too many people [at Crowley Lake] put in "football fields" as yards, requiring high water use. At Lakeridge, maximum irrigation is set at 1,500 sf, and water issues are being addressed

Commissioner Miller asked if Planning Commission could reexamine the project if a water issue evolves. Mark Magit explained that conditions are frozen in time to protect developers, but change could result from overarching safety concerns. Or, the map could expire; extension is discretionary. Miller thought water issues have changed and maybe xeriscaping should be required. Magit has heard opposing views: all is drying up vs. there's plenty of water. Miller thought water rationing and metering indicated an issue. Hartstrom noted that the water district's action is metering and higher fees for excessive watering. Additional water storage on site addresses water consumption. Tomajko, a former MCWD director, cited 100 gal/person/day as the accepted standard of national usage. Enough water exists if use is equitable.

Commissioner Shipley saw no reason to penalize the last project to build. The water district has to decide if water is available. Countywide water issues are addressed by private entities. A water district could impose rationing due to excessive water use, but it doesn't know how much water is really there or how to get it out of the ground without affecting others. If not curtailed, consumption could get out of control. He suggested requiring excessive users to cut back, not penalizing a developer who has made an effort to deal with water.

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DISTRICT #1  
COMMISSIONER  
Rick Kattelman

DISTRICT #2  
COMMISSIONER  
Steve Shipley

DISTRICT #3  
COMMISSIONER  
Ron Black

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Sally Miller

Scott Burns cited a watershed study by TEAM Engineering that gives additional information. Shipley indicated that Mountain Meadows has the capacity to serve (new tank, storage, etc.). Miller noted that water districts regulate water consumption, but Planning Commission is asked to approve projects. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Commissioner Shipley observed that when a developer waits, resources get used up. Commissioner Black did not want to penalize someone who started long ago. He observed that after June Lake PUD put in meters, consumption dropped 35% to 45%, a major change in conservation. Shipley asked if Planning Commission has authority to require meters. Magit replied that Mono County has general police power, and dealing with water would fit. Lahontan RWQCB requires water companies to install meters.

**MOTION:** Approve first one-year extension of Vested Tentative Tract Map 37-57/Lakeridge Ranch Phase II. (Shipley/Miller. 4-0. Absent: Bush.)

**B. USE PERMIT APPLICATION 31-06-08/Nygard.** *(To be continued to Jan. 11, 2007.)* The proposed project is located on a 34.72-acre parcel (APN 24-240-50) in the Antelope Valley on the west side of U.S. 395, just south of the U.S. Marine Corps housing. The project consists of leasing approximately two acres to a nonprofit organization for construction of a 32-ft. x 60-ft. building to be used for the Lady of the Valley Chapel. The building will be one story with a daylight basement, two bathrooms, a kitchen, and seating for 100 people. A well and septic system will be provided for the project. A single-family residence exists on site, and a cell tower was recently approved on the parcel. The General Plan is RR (Rural Residential). *Staff: Keith Hartstrom*

**MOTION:** Continue Use Permit Application 31-06-08/Nygard to Jan. 11, 2007. (Miller/Shipley. Ayes: 4. Absent: Bush.)

**C. GENERAL PLAN AMENDMENT 06-02.** This amendment would: 1) Change RMH setbacks from 30' front, side and rear to 20' front and 10' side and rear and remove commercial uses language in Intent section; 2) Amend architectural provisions to allow overhangs to extend 36" into a setback; 3) Add cell/communication tower to the definition of utility pole, which is limited to 60' height; 4) Change the term mobile home to manufactured home throughout the General Plan; 5) Amend allowable building height of accessory structures from 20' to 35' with a Director Review permit; 6) Remove County reference to CC&Rs except as may be required by specific project conditions; 7) Delete special events from items requiring a Use Permit; 8) Add new section prohibiting processing or issuance of permits when an active violation exists on the parcel except to bring the property into conformance; 9) Clarify Uses Permitted so that use is not necessarily tied to a permit or construction; 10) Revise Ch. 16, Development Standards-Secondary Housing, to allow detached secondary units, require one parking space instead of two spaces for small units, streamlined permit processing and greater flexibility; 11) Add Dark Sky Regulations and require new construction to conform to exterior lighting regulations; 12) Add Right to Farm Regulations to enhance farmland preservation; 13) Add to Director Review permit sections on termination, extensions and revocation proceedings; 14) Amend Ch. 40 to conform to state law requirements for the conversion of existing residential facilities; 15) Add Design Guidelines as an appendix; 16) Amend Housing Element Policy 9, Program 1 to conform to state law requirements for density bonus standards; 17) Revise Housing Element Policy 9, Program 9 to reflect housing mitigation requirements consistent with Mono County's Housing Mitigation Ordinance; and 18) Amend the Circulation Element to reflect the Regional Transportation Plan update. AN EIR addendum has been prepared.

Greg Newbry presented a PowerPoint summary of changes, and Gerry Le Francois discussed the Circulation Element.

Larry Johnston contrasted existing vs. proposed housing requirements. The current ordinance does not allow a second unit to be built concurrently with the primary unit. Fees are not required on secondary units, but units >2,400 sf are abusing the system by slipping through without fees. No upper limits exist for secondary units on parcels greater than an acre. School fees apply >500 sf.

**OPEN PUBLIC HEARING:** Tony Dublino, Bridgeport resident, asked questions about accessory uses and dark sky regulations. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** Commissioner Miller commended the clarity on cell towers, right to farm and dark sky regulations, but was not comfortable exempting Antelope Valley. She thought it should be a Board of Supervisors decision.

Commissioner Kattelmann thought regulations should be retroactive and countywide despite RPAC sentiment.

Commissioner Shipley believed regulations would be useless unless retroactive. On a volunteer basis, only 10% would do it, 90% would not. He recommended an ordinance to dim existing lights and suggested that Mono County bring its own lighting into conformance.

Commissioner Miller said that RPACs supported dark sky regulations *because* they were not retro.

Commissioner Black thought voluntary compliance on existing facilities could work. Start turning down offending lights. He suggested dealing with what's coming up, considering retro later.

Commissioner Shipley recommended some incentive to conform. It's an expense owners would not want to incur unless they got a break.

Commissioner Kattelmann suggested that "affordable" is a loaded term in some areas. Maybe call it affordable/employee? Newbry hoped that size would dictate affordability.

**MOTION:** Adopt General Plan Amendment 06-02. (Miller/Black. Ayes: 4. Absent: Bush.)

--- After lunch break, the meeting reconvened at 1:15 p.m. ---

## 5. ACTION ITEMS:

**A. APPROVAL OF TRACT MAP 34-26/June Lake Highlands Phase 2.** Tract Map 34-26 will subdivide APN 15-010-79, totaling 9.43 acres, into 28 lots ranging in size between 0.20 acres (8,659 sf) and 0.67 acres (29,079 sf). The project is located on the remainder parcel of Tract 34-24, June Lake Highlands Phase 1, off Leonard Avenue in the community of June Lake. The General Plan designation for the property is Specific Plan (SP). The tentative tract map was approved at a public hearing conducted by the Board of Supervisors on Jan. 4, 2005. *Staff: Evan Nikirk*

Public Works Director Evan Nikirk reviewed map conditions and indicated subdivision improvements are under way. Commissioner Black thought most issues have been dealt with responsibly. A will-serve letter from June Lake PUD had no conditions. The sewer system needs work.

**OPEN PUBLIC HEARING:** No comments. **CLOSE PUBLIC HEARING.**

**MOTION:** Authorize chair's signature on Tract Map 34-26, indicating its approval. (Black/Miller. Ayes: 4. Absent: Bush.)

**B. FINAL APPROVAL OF PARCEL MAP 31-91/DeFrese.** Parcel Map 31-91 will divide APN 02-352-06, totaling 2.0 acres, into two lots of 1.0 acre each. The project is located at the corner of Meadow Drive and Clover Lane, just north of U.S. 395, in the community of Walker. The General Plan designation will be Mixed Use with a 1-acre minimum lot size (MU 1) for parcel 1 and Estate Residential (ER) for parcel 2. The tentative parcel map was approved at a public hearing conducted by the Planning Commission on Nov. 10, 2005. *Staff: Evan Nikirk*

Evan Nikirk indicated a straightforward project.

**OPEN PUBLIC HEARING:** No comments. **CLOSE PUBLIC HEARING.**

**MOTION:** Authorize chair's signature on Parcel Map 31-91, indicating its approval. (Miller/Black. Ayes: 4. Absent: Bush.)

## 6. WORKSHOP:

### A. SETBACKS. *Staff PowerPoint*

This workshop was set in response to Commissioner Shipley's concerns. Scott Burns discussed the purpose of setbacks, a trend away from uniformity (form-based codes, build-to lines), elevation/snow considerations, and issues (property line ID, setbacks from roads, easement setbacks, building envelopes, and space between buildings). A 20' setback constitutes a parking spot. If parking is elsewhere, why have all houses aligned? Setback starts from street border regardless of

property line. Magit clarified that "abut" means go against, not into. Definition of "yard" is unclear. Topography, snow shed, snow storage and right of way all factor in. In Lee Vining commercial and residential setbacks were based on fire code. The General Plan ought to discourage things that are completely out of place. Burns suggested involving several departments in proposing solid language.

**B. PLANNING COMMISSION RULES & REGULATIONS.** *Staff: Scott Burns*

The Mono Supervisors, who make appointments to Planning Commission, do not have strong opinions on term limits, which were popular when the Rules and Regulations were prepared. Term limits are a self-imposed restriction. Burns commended this commission as strong, well functioning, and diverse. Maybe term limits could be deleted, as they might eliminate the only person who wants to do the job and understands the issues. Commissioner Shipley noted that a supervisor could appoint someone else, if someone better is out there. Reappointment by a new supervisor shows confidence the commissioner is doing a good job. Supervisors can appoint at any time. Commissioner Black viewed appointments as based on expertise and issues in the jurisdiction. Commissioner Miller thought commitment matters, with engaged, not burnt-out, commissioners. Commissioner Shipley thought anyone who still has a lot to give, and wants to, should be able to continue.

**MOTION:** Place item on the next agenda. (Shipley/Black. Ayes: 4. Absent: Bush.)

**7. REPORTS:**

**A. DIRECTOR:** 1) Watershed reports: TEAM Engineering in Tri-Valley tonight, LDTAC Monday. 2) Scoping meetings in Tri-Valley: Benton area projects. Water is a primary concern. Used modeling in past, but now pump testing. Mono is required to analyze projects (CEQA). 3) Public hearings to identify projects for CDBG funding. Public/private partnership for Boxenbaum, 38 AH units required. 4) Verify JL Coalition connection on warm beds, commercial absorption study. 5) Public facilities plan for Tri-Valley, with focus on Benton. Master planning, with streetscape and flood studies. 6) Rodeo Grounds: Larry Johnston noted that Intrawest meets tomorrow on Rodeo Grounds project. Mono still doesn't have an accepted application or funds for enviro documentation. A downturn in the housing market might be affecting this project, plus sale of company. The Supervisors discourage SFRs there. Maybe consider minimum density on larger private holdings. 7) Antelope Valley RPAC: Keith Hartstrom reported that it wants to become its own planning commission, with approval or denial power from Mono Supervisors, in order to be involved in the approval process for tract maps. Another option would be project review and advisory comments prior to Planning Commission. Those who live there now could dictate what happens to the area. The RPAC is concerned about specific plans with 1/2-acre parcels that would change the character of the valley. Commissioner Shipley reminded that anyone can show up to comment, and the commission takes community wishes into consideration. Commissioner Black saw extra steps in the approval process.

**B. PLANNING COMMISSIONERS: Shipley:** Mono Supervisors enacted a parking ordinance, designating no parking on residential streets April to November. Entrance islands at Crowley have no irrigation for vegetation. Maybe rock landscaping or pavers, which are not a big expense, could cover it, or a monument sign could be built.

**8. INFORMATION:** No items.

**9. ADJOURN:** 1:44 p.m.

Respectfully submitted,  
C.D. Ritter, commission secretary